IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 18497 of 2007(B)

OS.170/1996 of ADL.SUB COURT, THALASSERY

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PETITIONER:

C.V.SUJAY, S/O.PADMANABHAN, AGED 21 YEARS, STUDENT, RESIDING AT CHATTA HOUSE, PALLIKUNNU VILLAGE, KANNUR TALUK AND DISTRICT.

BY ADV. SRI.K.M.MOHAMMED KUNHI
SRI.P.K.NIJOY

RESPONDENTS:

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1. CHATTA DAYAROTH YESHODA, D/O.ARIKOTHAN MADHAVI, NO OCCUPATION, RESIDING AT 'REGHUPATHY', P.O.KOYYOD, CHEMBILODE AMSOM, KOYYOD DESOM, KANNUR TALUK AND DISTRICT.

2. C.D.LAKSHMANAN, S/O.MADHAVI, BUSINESS, RESIDING BEHIND KURUMATHUR PANCHAYAT OFFICE, KURUMATHUR AMSOM, CHERKALA DESOM, TALIPARAMBA TALUK, KANNUR DISTRICT.

3. NALAM VEETTIL DAYAROTH KAMALAKSHI, D/O. MADHAVI, NO OCCUPATION, RESIDING AT "GOPIKAPURI", PALLIKUNNU AMSOM DESOM, KANNUR TALUK AND DISTRICT.

4. C.D.RAVINDRAN, S/O.MADHAVI, BUSINESS, RESIDING AT AKKARAKUNNATH HOUSE, NEAR KONAR VAYAL, THALASSERY, AMSOM DESOM, THALASSERY TALUK, KANNUR DISTRICT.

5. NALAMVEETTIL DAYAROTH KRISHNAMMA, D/O.MADHAVI, NO OCCUPATION, RESIDING AT NO.8, SATHYAMOORTHY ROAD, CHETPET, MADRAS - 31.

6. P.C.PREMNATH, S/O.NALAMVEETTIL DAYAROTH RADHA, P.B.NO.4146, SHARJA, U.A.E.

7. C.V.LEELAVATHI,
W/O.CHATTA DAYAROTH PADMANABHAN,
NO OCCUPATION, RESIDING AT CHATTA HOUSE,
PALLIKUNNU AMSOM DESOM, P.O.PALLIKUNNU,
KANNUR TALUK AND DISTRICT.

8. SANGEETH,
S/O.CHATTA DAYAROTH PADMANABHAN,
BUSINESS, RESIDING AT CHATTA HOUSE, PALLIKUNNU
AMSOM DESOM, P.O.PALLIKUNNU, KANNUR TALUK AND
DISTRICT.

9. SANTHOSH, CHATTA DAYAROTH PADMANABHAN,
NO OCCUPATION, RESIDING AT CHATTA HOUSE,
PALLIKUNNU AMSOM DESOM, P.O.PALLIKUNNU,
KANNUR TALUK.

10. SAMPREETH, S/O. CHATTA DAYAROTH PADMANABHAN, BUSINESS,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

11. SAGAR, S/o. CHATTA DAYAROTH PADMANABHAN, BUSINESS,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

12. SAJAN, S/o. CHATTA DAYAROTH PADMANABHAN, BUSINESS,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

13. SANDEEP, S/o. CHATTA DAYAROTH PADMANABHAN, NO OCCUPATION,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

14. SANIL, S/o. CHATTA DAYAROTH PADMANABHAN, NO OCCUPATION,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

15. SANATH, S/o. CHATTA DAYAROTH PADMANABHAN, NO OCCUPATION,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

16. SEEMA, D/O. CHATTA DAYAROTH PADMANABHAN, NO OCCUPATION,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTRICT.

17. SUMITH, S/o. CHATTA DAYAROTH PADMANABHAN, NO OCCUPATION,
RESIDING AT CHATTA HOUSE, PALLIKUNNU AMSOM DESOM,
P.O. PALLIKUNNU, KANNUR TALUK AND DISTIRCT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15 /06 /2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.(C) No. 18497 OF 2007 B
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Dated this the 15th June, 2007

J U D G M E N T

This writ petition is filed by the petitioner to call for the records in E.P. No. 276/01 and direct the learned additional Subordinate Judge, Thalassery to keep the execution proceedings in E.P. No. 276/01 in abeyance. The grievance of the petitioner appears to be that he was a minor at the time of the suit and his causes had not been properly represented by his guardian, namely, the mother and therefore he wants to challenge the judgment. A perusal of the final decree application itself would reveal that the mother had represented the minor children and the matter has been fought. The final decree has been passed as early as on 31st January, 2001 and after six years this petitioner wants the court to stall the execution proceedings. If at all there is any grievance that the decree is vitiated for any grounds known to law it is for the writ petitioner to take appropriate steps and unless and until it is declared to be invalid the decree is to be executed and the winning parties shall

not be put into peril. Therefore, I do not find any merit in this writ petition and the same is dismissed.

M.N. KRISHNAN
JUDGE

jan/